

Battle Creek City Planning Commission

Staff report for the May 25, 2011 meeting

To: Planning Commissioners

From: Christine M. Hilton, AICP, Planning Supervisor
Planning and Community Development Department

Date: May 16, 2011

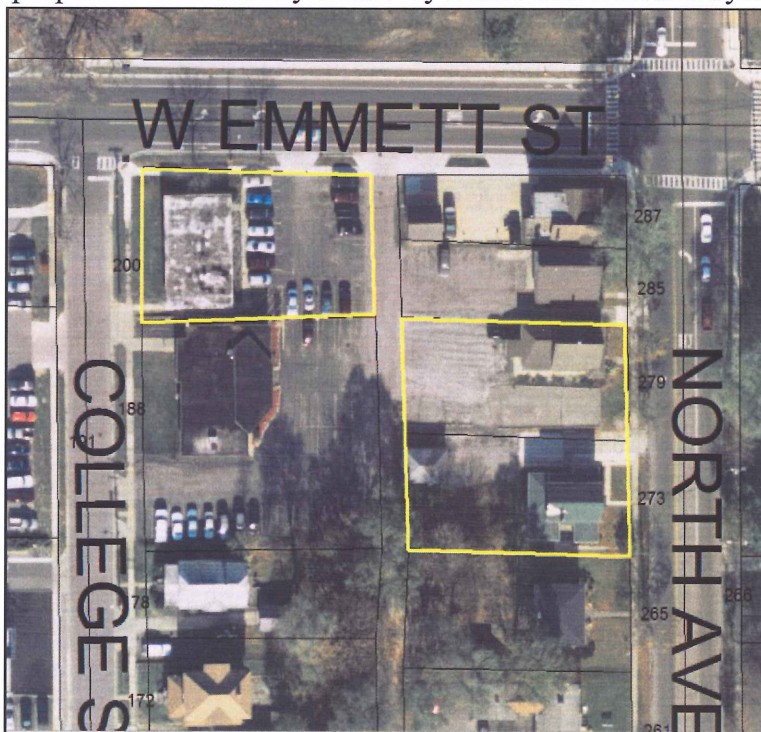
Subject: Petition S-02-11, a Special Use Permit request for an BCHS employee parking lot at 200 College Street and 273/279 North Avenue

Summary

A petition from Battle Creek Health Systems (BCHS), represented by Mr. Mike Deloof, requesting a Special Use Permit to allow for three parcels to be used for employee parking lots in an "O-1 Office District" as permitted under the Planning and Zoning Code, Chapter 1290, Sec. 1290.01(b)(13), for property located at 200 College St., Parcel #0071-00-100-0; 273 North Ave., Parcel #9730-00-013-0; and 279 North Ave., Parcel #9730-00-015-0.

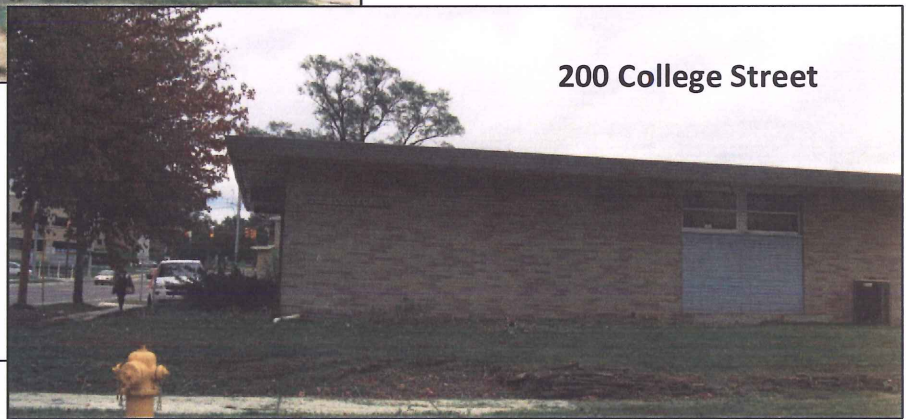
Background/Property Information

The subject parcels include 200 College Street, 273 and 279 North Avenue. These are located south of Emmett Street and between College Street and North Avenue, divided by a City alley running north/south. All three properties are currently owned by Battle Creek Health Systems.



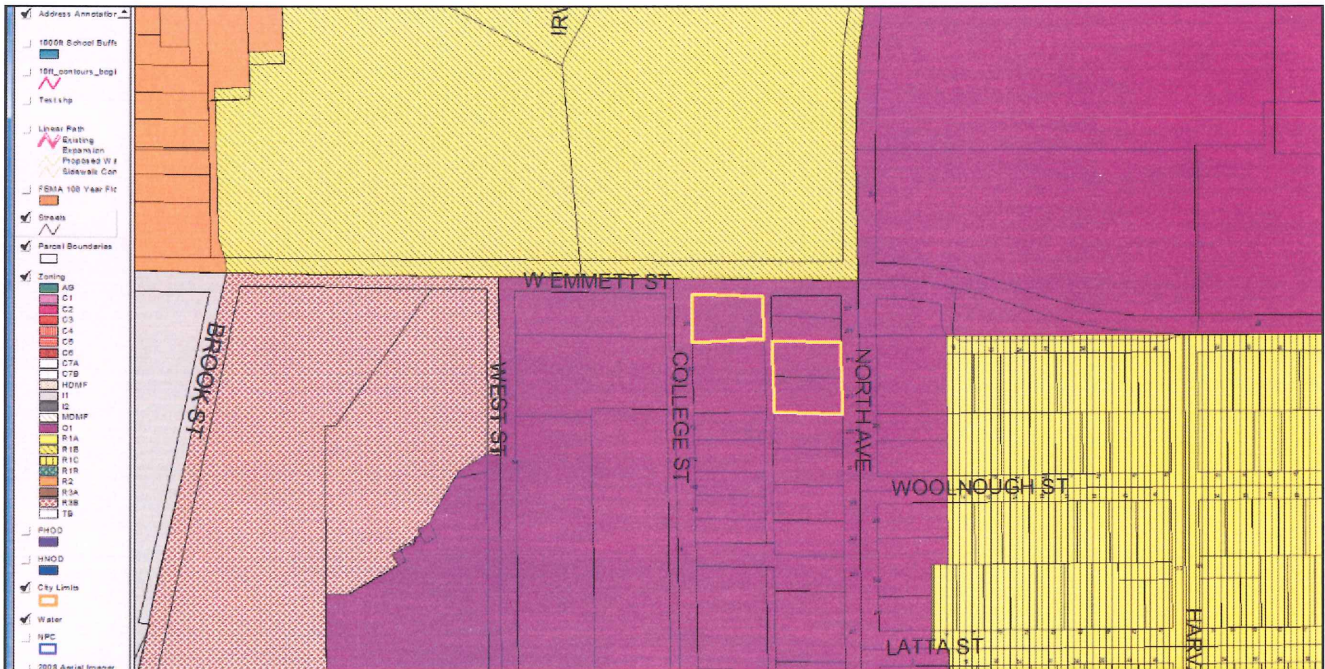
Information relative to each parcel is as follows:

Address	PARCEL Frontage	PARCEL Size	Structure Type	Current Use
200 College Street	88'	11,231 s.f.	One story commercial building, circa 1960	Vacant
273 North Avenue	66'	8,448 s.f.	Two story residential structure, circa 1900	Vacant
279 North Avenue	66'	8,522 s.f.	Two story residential structure, circa 1930	Vacant



Surrounding Land Uses / Zoning

These properties and those to the southwest and northeast are zoned O-1 Office District and contain primarily office uses. The property to the north is zoned R-1B Single Family Residential and is a municipal park (Irving Park). Directly west of the subject parcels is a parking lot also owned by Battle Creek Health Systems, whose main campus is located northwest of the subject parcels. South of the parcels on North Avenue is a two-unit residential rental structure, and north is an insurance company.



Proposed Scope of Project

The petitioners are seeking a special use permit to allow the construction of two employee parking lots. The proposed parking lots will require the demolition of three vacant buildings and will provide approximately eighty parking spaces for employees of BCHS. Each parking lot will be paved as required by the zoning ordinance, and they are proposing to make improvements to the public alley located between the lots.

A site plan is included in your packet. Please note that provided the applicant receives approval of the special use permit, the site plan will be administratively reviewed and approved and there may be some minor layout changes due to zoning or other regulations (i.e. stormwater management).

Parking lot lighting is required by the zoning ordinance and the plan includes a note that two new light poles (20' tall) will be provided on the east parking lot. Cut-off fixtures will be provided to ensure lighting will be maintained on-site. The west parking lot will be lit by proposed wall mount lights on the building.

The site plan has a note stating that as adjacent properties are zoned O-1 Office and screening is not required; however as the parcel to the south of 273 North Avenue is a residential use, a vertical screen at least four feet in height between the parking areas and residential property is required.

Staff is recommending a few conditions relative to the fence, lighting, and landscaping that in our opinion will allow the proposed use as a parking lot to be harmonious and appropriate with the surrounding neighborhood, as required in 1290.04(b) listed below. These proposed conditions have been shared with the applicant and they seem to be amenable to their inclusion.

Applicable Ordinance Provisions

Chapter 1284.04(c) of the Zoning Ordinance requires parking lots to be located on the same parcel as the building or use that it serves; however, the City of Battle Creek Zoning Ordinance, Chapter 1290 Special Land Uses, specifically 1290.01(b)(13) allows for *"Parking lots on land not more than 300 feet from the boundary of any O, C, or I District"*.

Public Hearing and Notice Requirements

As required by the Zoning Enabling Act of 2006, as amended, a public hearing notice was published in the Battle Creek Shoppers Guide on May 5, 2011 and notices of the public hearing were also sent by regular mail on May 4, 2011 to thirty-five property owners and occupants of properties located within 300 feet of the subject parcel. To date, the Planning Department has not received any questions or comments relative to this request.

Neighborhood Outreach

The petitioner has made contact with the chairman of the Neighborhood Planning Council #4 and shared the proposed site plan. They will be attending their May 18, 2011 meeting to present the request, and a report will be presented to the Planning Commission at their meeting.

Basis For Determination

As a special use, the Planning Commission is charged with reviewing each Special Use Permit request to determine any effects the proposed use would have on the Master Plan as well as on the character and development of the neighborhood. The ordinance and enabling legislation allows the Planning Commission and the City Commission to impose any conditions upon the request that would ensure the general objectives of the zoning ordinance are met and to preserve property values in the neighborhood.

The request shall be reviewed using the following standards listed in Chapter 1290.04 Basis for Determination (for Special Use Permits):

- (a) The use will be harmonious with and in accordance with the general objectives of the Master Plan.
- (b) The use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the neighborhood.
- (c) The use will not be hazardous or disturbing to existing or future neighboring uses.
- (d) The use will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
- (e) The use will be adequately served by essential public facilities and services, such as streets, highways, police and fire protection, drainage, refuse disposal and schools, or the persons or agencies responsible for the development shall be able to adequately provide such services.
- (f) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- (g) The use will not create activities, processes, materials, equipment or conditions of operation that will be detrimental to any person, property or the general welfare by reason of an excessive generation of traffic, noise, smoke, fumes, glare, vibrations or odors.
- (h) The use will be consistent with the intent and purpose of this Zoning Code.

Analysis and Recommendation

Staff has reviewed the application and finds that it meets the requirements for submittal and is considered complete. Staff further finds the request consistent with the general standards listed in 1290.04, as outlined herein:

- (a) The use will be harmonious with and in accordance with the general objectives of the Master Plan in that the Battle Creek Health Systems provides an essential service to the residents of the City,

and the Master Plan strives to support these services as well as their expansion (4-23). The parking lot at this location will allow for future growth and development of their facilities.

(b) The proposed use will be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the neighborhood as it is located primarily in a commercial area, adjacent to a public park, parking lot, and the Battle Creek Health Systems main campus.

(c) The use will not be hazardous or disturbing to existing or future neighboring uses as the proposed use is similar to those found in that vicinity, will be primarily used during daytime, weekly hours, and will be constructed in compliance with zoning requirements for screening from adjacent residential properties.

(d) The use will be a substantial improvement to property in the immediate vicinity and to the community as a whole as vacant structures will be removed and the parcels developed to allow for future growth of an important community resource.

(e) The use will be adequately served by essential public facilities and services in that public utilities already exist and no additional needs are required for this use. Furthermore, the improvements proposed to the City alley will be provided for by BCHS and will not be reliant upon City funds.

(f) There will be no City expenses associated with the maintenance and improvements to the parking lot, and therefore, the use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

(g) There will be no activities, processes, materials, equipment or conditions of operation that will be detrimental to any person, property or the general welfare by reason of an excessive generation of traffic, noise, smoke, fumes, glare, vibrations or odors.

(h) The use will be consistent with the intent and purpose of this Zoning Code in that the parking lot will be constructed in compliance with all relevant sections of the zoning ordinance and codified ordinances.

Therefore, as the request meets the general standards listed in Chapter 1290.04 as outlined above, planning staff recommends that the Planning Commission recommend to the City Commission approval of Special Use Permit Petition S-02-11 that would allow for the construction of a parking lot at 200 College Street (Parcel #0071-00-100-0), 273 North Avenue (Parcel #9730-00-013-0), and 279 North Avenue (Parcel #9730-00-015-0) with the following conditions:

- 1. All necessary approvals, including site plan review, and any required permits shall be obtained, and maintained if applicable, from the appropriate agencies, including but not limited to the Department of Public Works and Planning and Inspections Department prior to Certificate of Occupancy.**
- 2. As required by zoning, an opaque fence, minimum four feet in height, shall be required along the south property line of 273 North Avenue to buffer the parking lot from the adjacent residential property to the south.**

3. **The outdoor lighting fixture shall be designed, shielded, aimed, located, and maintained to shield adjacent properties and to not produce glare onto adjacent properties or roadways.**
4. **All non-paved areas of the parcels as indicated on the site plan shall be restored with 4" of new topsoil and permanent grass seed. Interior parking islands having at least three sides adjacent to the proposed parking lot shall contain one tree (minimum caliper 2") and landscaped with a natural material such as mulch, stone, or grass.**

Administrative Conditions:

5. **Pursuant to Chapter 1232.01 (a), no change in the use or occupancy of land or in the use or occupancy of an existing building shall be made, nor shall any new building be occupied for any purpose, until a certificate of occupancy has been issued by the Zoning Administrator or his or her agent. Such a certificate shall state that the new occupancy complies with Building and Zoning Codes.**
6. **Pursuant to Chapter 1290.02 (e), certificates of occupancy for special uses shall be valid for a period established by the City Commission or as long as the use is established and maintained in conformity with the plans submitted and approved. Occupancy permits shall expire after one year if the use is not under construction or maintained. For good cause shown and upon written application, the Planning Commission may extend a special use permit for six months.**

The Planning Commission can add additional conditions to those listed above in the staff recommendation. The Planning Commission may also upon deliberation, choose an alternative action from the following alternatives:

- A1: Postpone the project until a date certain, citing specific reasons, or
- A2. Articulate revised rationale of the general standards and/or conditions to recommend to the City Commission Approval OR Denial of the subject application.

Attachments

The following information is attached and made part of this Staff report.

1. Special Use Permit petition Form and Supplemental Information (Petition #S-02-11)

PETITION FOR A SPECIAL USE PERMIT

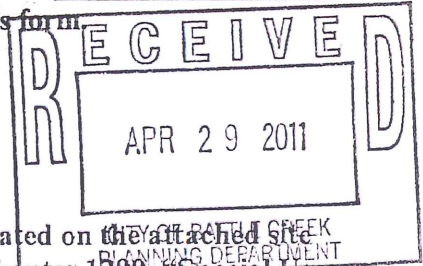


City of Battle Creek, Michigan

Department of Planning and Community Development

Petition No. S-02-11

Please read instruction on reverse before completing this form.
If additional space is required, attach a separate sheet.



The City Commission of the City of Battle Creek, Michigan

Honorable Mayor and City Commissioners:

I / We, the undersigned owner(s) of the property described below and indicated on the attached site plan, do hereby petition for a Special Use Permit under the provisions of Chapter 1290, "Special Uses and Land Development", of the Planning and Zoning Code of the City of Battle Creek, to permit this property to be used exclusively as indicated below.

Legal Description of Property:

Lots 13, 14 & 16 of Willis Addition Plat

Present Use of Property:

200 College - Existing parking for BCHS Marketing & Hospital Staff
273 & 279 North - Vacant residences owned by BCHS

Proposed Use of Property:

Employee parking lots

Reasons why petitioner feels that a Special Use Permit should be granted:

The existing property on the west side of the alley is currently used
for employee parking and the growth of BCHS is such that additional
employee parking is needed.

Present Zoning Classification: "O-1 OFFICE DISTRICT" District.

Property Owner(s) _____ or Agent X (Check one)

MIKE DELOOF

Name

4400 SOUTH MINNES RD.
BATTLE CREEK, MI 49015

Address

269-217-5453

Telephone

Fax

Signature

Name

Address

Telephone

Fax

Signature

FOR OFFICE USE ONLY

Date Petition Received: 4-29-11

Petition Fee Received: \$600.00

Received By: Lena PARRISH

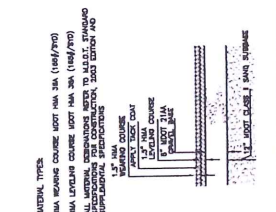
Planning Commission Recommendation:

Approve _____ Deny _____ Date _____

City Commission Action:

Approve _____ Deny _____ Date _____

Resolution No. _____



64 UNEAL FEET OF 30" PIPE HAVING A STORAGE CAPACITY OF 11.72 CF/FT
64 x 11.72 = 750 CUBIC FEET.

1



